



State Bar of Michigan

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OFFICE OF
THE CHIEF JUSTICE

December 17, 2003

Ms. Linda Mohny Rhodes
Administrative Counsel
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: **File 2003-25 Proposed Amendment to Rules 3.977 and 7.204 of the Michigan Court Rules** ✓
File 2001-51 Proposed Amendment of Rule 404 of the Michigan Rules of Evidence

Dear Ms. Rhodes:

At its November 21, 2003 meeting, the Board of Commissioners of the State Bar of Michigan considered the following proposed amendments published for comment by the Supreme Court and adopted the following positions:

File 2003-25 Proposed Amendment to Rules 3.977 and 7.204 of the Michigan Court Rules.

Termination of Parental Rights; Filing Appeal of Right; Appearance.

The Board of Commissioners unanimously voted to oppose the amendment in principle.

Although the State Bar is generally supportive of the goal of shortening the length of time from the entry of orders terminating parental rights to appeal of those orders, the State Bar has several concerns about the proposal's provision requiring judges to initiate appeals on behalf of litigants.

File 2001-51 Proposed Amendment of Rule 404 of the Michigan Rules of Evidence.

Character Evidence Not Admissible To Prove Conduct; Exceptions; Other Crimes.

The Board of Commissioners unanimously voted to support Alternative A in principle.

The proposed amendment would allow for the admittance of prior acts, which may aid in the successful outcome of domestic violence cases. Alternative A would allow for a judge to use discretion in the quantum of evidence.

Thank you for the opportunity to offer the State Bar's input on these items.

Sincerely,

John T. Berry
Executive Director

CC. Janet Welch, General Counsel
Scott Brinkmeyer, President

